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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

**NASHANDA WATSON,
JACQUELINE CARTER,
TALYA BLACKWELL-YOUNG,
and ALEXIS HARR,
Individually and on behalf of other
similarly-situated individuals,**

Plaintiffs,

v.

MR. G'S ENTERTAINMENT, INC.

**CIVIL ACTION FILE NO.
1:13-CV-03049-JEJ**

Hon. John E. Jones, III

**d/b/a CLUB 22, d/b/a FANTASIES,
f/k/a OASIS GENTLEMEN'S CLUB,
GARY L. DOBRINOFF,
CHRISTOPHER W. DANILSHENKO,
And JOHN DOES 1–9,**

Defendants.

**MOTION (AND SUPPORTING BRIEF) FOR ASSESSMENT OF
REASONABLE ATTORNEYS'S FEES**

Plaintiffs, by and through their counsel, file this Motion (and supporting Brief) in support of their request for an award of reasonable attorneys' fees associated with the preparation, filing and resolution of Plaintiffs' Motion to Enforce Court's Order, for Sanctions, and Equitable Tolling. [Doc. 80].

FACTUAL BACKGROUND

On November 10, 2014, this Court entered its Memorandum & Order [Doc. 75] which conditionally certified this civil action to proceed as a collective action. The Order, in pertinent part, required "Defendants to provide a list in electronic format, within ten (10) days from the date of this Order, containing the full name, phone number, and last known address of all entertainers who have performed at Club 22 at any time for the three year period immediately preceding this Order." *Id.* at 15. The Order also required Defendants to post a copy of the Class Notice (once approved) in the dancers' dressing room at Club 22. *Id.* at 13.

By December 2, 2014, more than three (3) weeks after the entry of the Court's Order, Defendants had not still provided Plaintiffs' counsel with any of the information ordered by the Court, and as a result, Plaintiffs moved the Court to enforce its Order. [Doc. 80].

On December 5, 2014, Plaintiffs' counsel conferred with Defendants' counsel and moved the Court for leave to appear at the hearing on Plaintiffs' motion by telephone. Plaintiffs' counsel also received and reviewed the Declaration filed by Jordan Cunningham and a list of dancer names and addresses he supplied on that date. On December 8, 2014, Plaintiffs' counsel received and reviewed the Court's Order granting the motion for leave to attend the hearing by telephone.

On December 10, 2014, Plaintiffs' counsel received additional correspondence from Jordan Cunningham with additional names and addresses of dancers who had performed at Club 22.

On December 15, 2014, Plaintiffs' counsel conferred with one another by telephone concerning the upcoming hearing on Plaintiffs' Motion to Enforce the Court's Order and Defendants' compliance to date. Plaintiffs' counsel also received additional correspondence from Defendants' counsel Jordan Cunningham enclosing additional dancer documents.

On December 16, 2014, Plaintiffs' counsel received correspondence from Jordan Cunningham confirming the posting of Court-approved notices in the dressing room of Club 22.

On December 17, 2014, the Court conducted a hearing on Plaintiffs' Motion, in which all counsel participated, and the Court issued a resulting Order, which authorized Plaintiffs to file this motion for fees and expenses associated with the preparation, filing and resolution of Plaintiffs' Motion for Sanctions. [Doc. 90]. Plaintiffs' counsel also spent time researching dancer addresses in response to returned-mail notices sent previously, and received correspondence from Jordan Cunningham regarding Matt Kapeman, the individual Defendants believe may have taken certain dancer documents from Club 22.

Beginning on December 17, 2014, continuing on December 30-31, 2014 and January 2, 2015, Plaintiffs' counsel drafted this Motion and a proposed Order.

As a result of Defendants' failure and/or refusal to timely produce the information required by the Court's November 10, 2014 Order, as shown more fully on the attached Declarations, Plaintiffs have incurred reasonable attorney's fees in the amount of \$4,710.00 associated with the preparation, filing and resolution of Plaintiffs' Motion.

ARGUMENT AND CITATION TO AUTHORITY

Plaintiffs are entitled to their reasonably-incurred attorneys' fees and expenses associated with successfully moving the Court for enforcement of its November 10, 2014 Order. In the December 17, 2014 hearing thereon, the Court expressly indicated that as a sanction for Defendants' non-compliance with its November 10, 2014 Order, Plaintiffs' counsel could file a motion for their attorneys' fees/expenses associated with the preparation, filing and resolution of the Motion to Enforce the Court's Order. The Court has the inherent authority, as well as authority under Fed.R.Civ.P. 37(b)(2)(C), to award attorneys' fees and expenses of litigation (among other things) as a sanction for Defendants' non-compliance with its November 10, 2014 Order.

WHEREFORE, Plaintiffs request that their Counsel be awarded \$4,710.00 in reasonable attorneys' fees associated with the preparation, filing, and resolution of Plaintiffs' Motion as shown on the attached Declarations from Plaintiffs' counsel.

Date: January 2, 2015.

Respectfully submitted,

/s/ Dean R. Fuchs

DEAN R. FUCHS, ESQUIRE

(Admitted *Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I certify that on January 2, 2015, I served a true and correct copy of the foregoing Plaintiffs' **PLAINTIFFS' MOTION (AND BRIEF IN SUPPORT) FOR ASSESSMENT OF REASONABLE ATTORNEYS' FEES** via CM/ECF upon:

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/s/ Dean R. Fuchs
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